

MESSAGE NO: 7163207 MESSAGE DATE: 06/12/2007

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-201-215, A-201-216, A-201-817

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/1998 TO 07/31/1999

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTION FOR OIL COUNTRY TUBULAR GOODS FROM MEXICO
(A-201-817/A-201-215/A-201-216)

MESSAGE NO: 7163207

DATE: 06 12 2007

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 201 - 817

A - 201 - 215

A - 201 - 216

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PERIOD COVERED: 08 01 1998 TO 07 31 1999

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTION FOR OIL COUNTRY TUBULAR GOODS
FROM MEXICO (A-201-817/A-201-215/A-201-216)

1. ON 03/09/2001, THE DEPARTMENT OF COMMERCE ("COMMERCE") PUBLISHED THE FINAL RESULTS OF THE ANTIDUMPING DUTY ADMINISTRATIVE REVIEW ON OIL COUNTRY TUBULAR GOODS FROM MEXICO (66 FR 15832) COVERING THE PERIOD 08/01/1998 THROUGH 07/31/1999. SUBSEQUENTLY, MEXICAN PRODUCERS TUBOS DE ACERO DE MEXICO, S.A. (TAMSA) AND HYLSA S.A. DE CV (HYLSA) FILED A REQUEST FOR PANEL REVIEW PURSUANT TO THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA) ARTICLE 1904 PANEL RULES. THE NAFTA

PANEL REMANDED THE DETERMINATION TO COMMERCE ON 01/27/2006, UPHOLDING THE ORIGINAL DECISION BY COMMERCE WITH RESPECT TO TAMSA BUT INSTRUCTING COMMERCE TO RE-EVALUATE ITS FINDING OF A MARGIN FOR HYLSA AND ITS DECISION NOT TO REVOKE HYLSA FROM THE ORDER SHOULD COMMERCE'S RE-EVALUATION OF THE MARGIN RESULT IN A FINDING BELOW DE MINIMIS.

2. IN ACCORDANCE WITH THE NAFTA PANEL'S INSTRUCTIONS, COMMERCE RE-EXAMINED ITS DETERMINATION AND RE-CALCULATED THE MARGIN FOR HYLSA BELOW DE MINIMIS. HOWEVER, COMMERCE CONCLUDED THAT HYLSA DID NOT QUALIFY FOR REVOCATION AS IT DID NOT SHIP OIL COUNTRY TUBULAR GOODS FROM MEXICO TO THE UNITED STATES IN COMMERCIAL QUANTITIES. THE NAFTA PANEL AFFIRMED COMMERCE'S DECISION ON 01/16/2007.

3. THE COMMERCE CASE NUMBER IS A-201-817, WHILE THE CUSTOMS CASE NUMBERS ARE A-201-215, A-201-216 AND A-201-817. NOTE THAT THE CUSTOMS CASE NUMBERS (A-201-215, A-201-216 AND A-201-817) WERE OPERATIONAL FOR OIL COUNTRY TUBULAR GOODS FROM MEXICO DURING THIS PERIOD.

4. FOR ALL SHIPMENTS OF OIL COUNTRY TUBULAR GOODS FROM MEXICO PRODUCED BY THE COMPANIES LISTED BELOW, AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 08/01/1998 THROUGH 07/31/1999, ASSESS ANTIDUMPING LIABILITY OF ZERO PERCENT OF THE ENTERED VALUE.

TUBOS DE ACERO DE MEXICO, S.A. (A-201-215-001, A-201-216-001, A-201-817-001)

HYLSA S.A. DE CV (A-201-215-002, A-201-216-002, A-201-817-002)

5. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD

08/01/1998 THROUGH 07/31/1999 OCCURRED WITH THE PUBLICATION OF THE AMENDED FINAL RESULTS OF ADMINISTRATIVE REVIEW (72 FR 17110, 04/06/2007). YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 07:JD).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party